

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
11/01/07
5:30PM

ATTENDANCE: Randy Mackie, Ed Simmons, Jon Rolewicz, Nick Kroes, Kirk Kolberg

ABSENT: Chris Carter,

EXCUSED: Greg Borgman

STAFF: Mark Kincaid, Jim Hoppus, Carmen Smith, Don LaBrenz, Henry Faltinowski, Scott Vanderwier, Craig Porter

GUESTS: Alan Gurwitz(1522 Clinton), Keenan Sims(1969 Wood)

Meeting minutes: A motion was made by Randy Mackie and seconded by Kirk Kolberg to approve the October 2007 minutes.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Randy Mackie		Greg Borgman		
Jon Rolewicz		Nick Kroes(late)	Chris Carter	
Ed Simmons				
Kirk Kolberg				

Motion carried.

PROPERTY MAINTENANCE CODE APPEAL CASE:

1522 Clinton – Alan Gurwitz, 896 Ada, Muskegon, MI 49442

Mr. Gurwitz was present to represent case.

Jon Rolewicz reviewed items that were being appealed by Mr. Gurwitz.

Craig Porter, housing inspector stated an original rental inspection was conducted for a single rental unit, he looked for code violations and found conditions were rough because tenants had just been evicted but towards end of inspection he pointed out ceiling in the living/dining area and he said Mr. Gurwitz stated it wasn't a issue. Mr. Porter said he felt it was an issue and wrote the violation and also specified screens are required in windows up to a certain time of year in any operable window in a habitable room on the lower sash. Mr. Porter said a re-inspection was conducted where he took pictures of the ceiling which were passed around for the board to look at. Mr. Porter stated Mr. Gurwitz doesn't feel there is any danger from the ceiling but his opinion is the ceiling does show there has been some patch work done and he felt materials were coming down. Mr. Porter stated the code books states a ceiling should have a finished surface, maintained in good repair, reasonably clean, plaster properly secured etc. Jon Rolewicz asked how long Mr. Gurwitz owned the house and Mr. Gurwitz stated 11 years. Mr. Gurwitz said he put those patches on the ceiling about 4 or 5 years ago and nothing has changed since then and any change now would pose a financial burden on him and if he was to do any changes it would be on the cheap end and wouldn't make it look any better. Mr. Gurwitz said Mr. Porter suggested a drop ceiling which he said the other rooms have and don't look any better. Mr. Gurwitz said he already has a potential rental who has looked at the home and is satisfied with the condition it's already in. Mr. Gurwitz said it's more than just a little damage that previous tenants caused and he's spending hundreds of dollars and time to clean the place up. Kirk Kolberg asked Mr. Porter what things he is looking for when performing inspection and Mr. Porter stated he's looking for loose materials, cracks in the ceiling, water damage and he feared material might come down from ceiling onto tenants. He could tell the ceiling had been worked on but according to code he said it met the criteria for a bad ceiling. Jon Rolewicz asked if it was a lathe and plaster ceiling. Mr. Gurwitz stated it probably was under the popcorn spray. Mr. Gurwitz said he put the popcorn finish on the ceiling because he was not financially able to hire it done by a professional. Mr. Gurwitz said the ceiling itself is not cracking but popcorn finish which he said was done 4 or 5 years ago. Mr. Kolberg asked if ceiling was painted since picture showed it was dirty. Mr. Gurwitz stated that might be due to fire in kitchen area that tenants had before evicted. Mr. Gurwitz said he doesn't see any danger in the least and nothing has fallen on anyone before. Jon Rolewicz asked what the reason for the previous patchwork done was and Mr. Gurwitz said it was probably separation from ceiling. Mr. Rolewicz stated it appears from pictures that separation lines shows ceiling is failing with evidence of previous repair and looks like lathe and plaster are separating from one body and from downward peaks coming off each one of the cracks and the symmetrical and frequency of cracks it would appear that the plaster ceiling is coming apart. Mr. Gurwitz said it would be a financial hardship for him to repair because tenants destroyed house and doesn't feel the ceiling poses a safety issue. Mr. Gurwitz asked what would be expected as a repair. Mr. Kincaid said according to code the ceiling should be repaired with no

cracks and solid all the way across. Mr. Gurwitz said he is trying to meet all the other requirements and doing any further repair to the ceiling other than painting would be a financial hardship on him.

Staff Recommendation: Deny appeal on item #6

Motion was made by Randy Mackie and seconded by Ed Simmons to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Randy Mackie		Greg Borgman		
Jon Rolewicz				Nick Kroes
			Chris Carter	
Ed Simmons				Kirk Kolberg

Motion carried.

Staff Recommendation: Deny appeal on Item #28 (screens)

Motion was made by Randy Mackie and seconded by Nick Kroes to accept staff recommendation:

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Randy Mackie		Greg Borgman		
Jon Rolewicz				
Nick Kroes				
			Chris Carter	
Ed Simmons				
Kirk Kolberg				

Motion carried.

EN-070098 – Annie B. Rudd (Keenan Sims, grandson), 2205 Leahy St., Muskegon, MI 49444

Mr. Keenan Sims was present to represent case.

Mr. Sims stated he just received "letters of authority" regarding property and tried to pull a permit but was told by Inspections to schedule an interior inspection first. He stated he had someone lined up to do roof first then do the inside in the spring. Mark Kincaid said Mr. Sims came into the office and presented letters of authority and did schedule an interior inspection for next week. Ed Simmons asked if license contractors were required. Don LaBrenz asked Mr. Sims if the contractor was licensed. Mr. Sims said he planned to pull the permit himself to take the canopy down and help with roof. Mark Kincaid asked if letters of authority allows Mr. Sims to apply for permits. Don LaBrenz stated Mr. Sims is acting as representative of the owner which allows him to pull the building permit only.

Staff Recommendation: Table case until January 2008 meeting with interior inspection scheduled.

Motion made by Randy Mackie and seconded by Kirk Kolberg to accept staff recommendation

A roll call vote was taken:

AYES:

Randy Mackie
Jon Rolewicz
Nick Kroes

NAYES:

EXCUSED:

Greg Borgman

ABSENT:

ABSTENTION:

Chris Carter

Ed Simmons
Kirk Kolberg

Motion carried.

OLD BUSINESS:

NEW BUSINESS:

ADJOURNMENT:

6:00 PM

CITY OF MUSKEGON

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Ann Becker, City Clerk
933 Terrace Street
Muskegon, MI 49443
(231) 724-6705 or TDD (231) 724-6773